

# STATE OF NEW YORK

5305--A

2025-2026 Regular Sessions

## IN ASSEMBLY

February 13, 2025

Introduced by M. of A. REYES, KELLES, HEVESI, RAGA, GONZALEZ-ROJAS, ROSENTHAL, MEEKS, SAYEGH, LUCAS, MAGNARELLI, TORRES -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring chain restaurants to label menu items that have a high content of added sugars

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 1359 to read as follows:

3 § 1359. Added sugar safety warnings for chain restaurants. 1. Defi-  
4 nitions. For purposes of this section the following terms shall have the  
5 following meanings:

6 a. "Chain menu developer" means a person that owns and licenses the  
7 brand name under which the covered establishment does business, or any  
8 other person responsible for determining the formula or recipe for items  
9 displayed on the menu of a covered establishment.

10 b. "Covered establishment" means a food service establishment, as  
11 defined in part fourteen of the New York sanitary code 10 NYCRR 14-1.20,  
12 that is part of a chain with fifteen or more locations within the state  
13 doing business under the same name, regardless of the type of ownership  
14 of the locations, and offering for sale substantially similar food  
15 items.

16 c. "Food tag" means a written or printed description of food or bever-  
17 ages and their price, placed in the vicinity of a sample or self-serve  
18 item, including free-standing tags and tags attached to the shelf.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 d. "Discrete serving" means the separated or easily separable uniform  
2 portion or portions of a food item comprising a reasonable estimate of  
3 one person's share of the food item. Food items without separated or  
4 easily separable uniform portions do not contain discrete servings.

5 e. "High added sugars content" means the item contains one hundred  
6 percent or more of the daily value for added sugars, as established by  
7 the federal Food and Drug Administration.

8 f. "Menu" means the primary writing of a covered establishment from  
9 which a customer makes an order selection, including but not limited to,  
10 breakfast, lunch, and dinner menus; dessert menus; beverage menus; chil-  
11 dren's menus; other specialty menus; electronic menus; and menus on the  
12 internet.

13 g. "Menu board" means a menu posted inside a covered establishment as  
14 well as a menu posted outside a covered establishment, including a  
15 drive-through menu.

16 h. "Food item" means a food or beverage item offered for sale by a  
17 covered establishment that is listed on a menu, menu board, or food tag,  
18 including a variable food or beverage item that comes in different  
19 flavors, varieties, or combinations and is listed as a single item.  
20 Food item includes any combination meal for which any combination of  
21 food items available to the consumer contains high added sugars content.  
22 Food item includes temporary food or beverage items listed for less than  
23 sixty consecutive and non-consecutive days per calendar year.

24 i. "Point of purchase" means a place where a customer may order food  
25 within a covered establishment.

26 j. "Self-serve dispensing point" means a location at which a customer  
27 may access food or beverages without the assistance of a staff member,  
28 including self-serve fountain beverage machines.

29 2. Added sugars warning. a. A covered establishment not exempted under  
30 subdivision six of this section shall display an added sugars warning  
31 next to or directly under the name of each food item with high added  
32 sugars content wherever such food item is listed on a menu, menu board,  
33 or food tag, and by any self-serve dispensing point at which such food  
34 item is dispensed. This requirement applies to any menu item that comes  
35 in different flavors, varieties, or combinations if any flavor, variety,  
36 or combination has high added sugars content.

37 b. A food item that consists of more than one discrete serving  
38 requires an added sugars warning only if each discrete serving has a  
39 high added sugars content.

40 c. No later than one year after the department issues the rules and  
41 regulations required pursuant to paragraph d of this subdivision, a  
42 covered establishment is required to display at least one clearly visi-  
43 ble warning on a menu, menu board, food tag, or by a self-serve dispens-  
44 ing point pursuant to paragraph a of this subdivision, and shall make a  
45 factual warning statement about high added sugars intake prominently,  
46 clearly, and conspicuously visible at the point of purchase.

47 d. No later than one year after the effective date of this section,  
48 the department shall promulgate rules and regulations designating a  
49 warning and factual warning statement.

50 3. Reporting requirement. Once every ninety days, every chain menu  
51 developer shall report to the department the amount of added sugars in  
52 each food item offered for sale in a covered establishment, or report  
53 that no changes to the menu information have been made since the last  
54 report.

55 4. Report. No later than six years after the effective date of this  
56 section, the department shall issue a report reviewing evidence of the

1 impact of this section on food item reformulation and consumer behavior  
2 and recommend additional nutrients that should be considered for menu  
3 warnings.

4 5. Violations. Any chain restaurant that violates the provisions of  
5 this section shall be subject to a civil penalty of not more than two  
6 hundred fifty dollars per day for each location not in compliance.

7 6. Exemptions. The added sugars warning required pursuant to subdivi-  
8 sion two of this section shall not be required to be displayed next to a  
9 food item that is already labeled with an added sugars warning equal or  
10 greater in size and similar in general appearance, when such icon is  
11 required pursuant to a rule, regulation, ordinance, local law, order, or  
12 policy issued by another jurisdiction having the same or substantially  
13 similar effect as determined by the commissioner. Food service estab-  
14 lishments exempted from the added sugars warning labeling requirement by  
15 this subdivision shall be used in determining if a particular food  
16 service establishment is a chain restaurant. This subdivision does not  
17 exempt chain menu developers from the provisions of subdivision three of  
18 this section.

19 § 2. Severability. If any provision of this act, or any application of  
20 any provision of this act, is held to be invalid, or to violate or be  
21 inconsistent with any federal law or regulation, that shall not affect  
22 the validity or effectiveness of any other provision of this act, or of  
23 any other application of any provision of this act, which can be given  
24 effect without that provision or application; and to that end, the  
25 provisions and applications of this act are severable.

26 § 3. This act shall take effect one year after it shall have become a  
27 law. Effective immediately, the addition, amendment and/or repeal of any  
28 rule or regulation necessary for the implementation of this act on its  
29 effective date are authorized to be made and completed on or before such  
30 effective date.